Mr. SPEAKER.—Supposing we sit for two and a half or three hours after Five ?

Sri J. MOHAMED IMAM.—Myself and Sri Bheemappa Naik have fixed up another engagement, Sir.

Mr. SPEAKER.—But this business is more important.

Sri J. MOHAMED IMAM.—We want at least two days to do full justice to the Bill, Sir.

Mr. SPEAKER.—Is the House prepared to sit on some Sunday ?

VOICES.—No, no.

Sri J. MOHAMED IMAM.—A delay of fifteen days does not deprive the State Government of a large revenue, Sir.

Mr. SPEAKER.—We will wait and see. We will now go on with the Mysore Court Fees (Amendment) Bill.

THE MYSORE COURT FEES (AMENDMENT) BILL, 1954.

Motion to consider.

Sri H. SIDDAVEERAPPA (Minister for Industries).—Sir, I beg to move:

"That the Mysore Court Fees (Amendment) Bill, 1954, be taken into consideration."

Sir, the object of this amending Bill is to enhance in respect of certain articles of Schedule 2, the fee to be levied, with a view to bring it into uniformity between the rates of court fee leviable in our State and those prevailing in Bellary District under the Madras Act. It is with a view to bring about this uniformity that this Bill is brought forward. Sir, it is a Bill wherein the idea is to enhance the fees leviable under the several articles mentioned therein. Generally it is well-known that the court fee in Mysore is very much lower than the court fee prevailing elsewhere in other neighbouring States. Even at the time and after the financial integration, it was envisaged that the rate of stamp duty may be enhanced rather progressively so that it may be brought into conformity with the neighbouring States. Therefore this amending Bill is brought up and I pray that this House may be pleased to accord its approval.

Mr. SPEAKER.—Motion moved:

"That the Mysore Court Fees (Amendment) Bill, 1954, be taken into consideration."

Sri J. MOHAMED IMAM (Jagalur).—Sir, I am opposing this taxation measure. Sir, this Bill is a typical example that there is no certainty about any measure. I think this is the third time that an attempt is made by the Government to enhance the court fees. In the year 1948 by an amendment of the Court Fee Act, an amendment was introduced and all the rates were revised in the Schedule. And again by a subsequent amendment, if I remember correctly, there was an amendment introduced and again the rates of fees were enhanced. And this is the third time that the Government want to enhance the rates. It is true that the enhancement provided may not be much. But what I want to say is this: that, as I pointed out yesterday, there is no certainty, there is no definiteness. The people of the State are vulnerable, at the mercy of the Government. The same thing is to be found in the Sales-Tax Bill or the Stamp Duty Bill as I shall have opportunity to point out later. So it seems to me, Sir, the Government's main concern or hobby is to find out ways and means of extra taxation; how to tax the people; where to tax and whom to tax. There is no finality. Every year brings in fresh taxation and enhancement of duty. The Government want to impart an electric shock every year. This is what I call 'pin-prick' taxation and 'pin-prick legislation'; and such a policy must be avoided.

Sir, the Hon'ble the Chief-Minister is not here. In the course of the Budget discussion, there was an appeal, I must say unanimous appeal to him to forbear from extra taxation at this juncture. Discussions went on for four days and I thought that the appeal of the Members would go home and make him relent from the position he had taken. But on the other hand, he is so adament and so particular and so

(Sri J. MOHAMED IMAM.)

anxious that he wants to pass all these taxation measures without any consideration at all. Till now, Sir, we had a discussion. We submitted to the Chair that we have not got ample time to consider all these taxation measures. Sir, we represent the entire State. Our constituencies and people have elected us to look after their rights and guard them and protect their interests. It is our duty to see that we carry out our duty effectively and that we discharge our duty effectively so that we do not let them down. But when we come here, we find that our privileges are curtailed, our liberties are cutailed and the Government wants to behave in a dictatorial way and perhaps, being sure of their own majority, they want to hustle through all taxation measures, oppressively taxing measures, that do incalculable harm to the people without even giving us enough time to consider the implications. This is not in consonance with the principles of democracy. Democracy means, the Government must give the Members ample time to consider these measures which affect the entire population. This is a thing which we cannot condone and to which we cannot submit. If the Government wanted these measures to be passed in time within this month itself, then it was their duty to have brought all these measures much earlier. It looks to me, Sir, that the Government deliberately want to bring all these measures late. They will not allot more time for consideration of these measures and having allotted only two days for this purpose, they want to rope us all.

2 P.M.

This is not a democratic form of Government, but I say this is a dictatorial form of Government to which none of us can submit. Sir, this is not the time for the levy of extra taxation of any kind. The Chief Minister said the other day that if we want more amenities, more wells, more roads, we must submit to extra taxes. Are not the people already over-taxed? Well, Sir, as we can see from the Budget, we find that all these extra taxes are meant not to provide more roads, more schools but to cover the deficit, the deficit caused by Government as a result of their misdeeds. Is there any assurance from the Chief Minister that all this money derived from the extra tax will be spent only on nation building activities? We do not find any such assurance. All this income is meant, as admitted by the Chief Minister, to meet the deficit, which deficit has become disastrous.

Sir, the Chief Minister appealed the other day to the Opposition not to walk-out. Well, Sir, we find that the Opposition is the only Body to which the entire State can look up. I can say confidently that the entire State is looking up for the Opposition for safeguarding their rights. We are receiving numerous telegrams, representations and they feel that this is the only Body that can safeguard their interests and rights. In fact, the Opposition has been so effective, so reasonable and so convincing that it has persuaded even the members of the Treasury Bench to fall in line with us. I congratulate them for having kept the interest of the State more paramount than the interest of the Party. The Opposition can no longer be called that it opposes for the sake of opposition but it will be realised that the Opposition has done its duty effectively and in the interest of the State.

Sir, the Chief Minister has made some remarks both at Mandya and in the Legislative Council which are not quite pertinent. Of course, he is at liberty to make any remark, but I think, tradition and convention demands that such statements are not to be made.

Sri R. CHANNIGARAMIAH (Koratagere-Madhugiri—Scheduled Castes).—What is the statement?

Sri J. MOHAMED IMAM.—At Mandya he has said: "ಹೆಚ್ಚು ತೆರಿಗೆಗಳಿಲ್ಲದೆ ಯಾರಾದರೂ ಸರ್ಕಾರ ನಡೆಸಿದರೆ ನಾನು ಅವರಿಗೆ ಅಧಿಕಾರವಹಿಸಿ ಕೊಡುತ್ತೇನೆ".

Another thing, he has challenged and said: "ಈ ಮೆಂಬರುಗಳು ಎಲ್ಲಾ ದ್ವೇಷಪೂರಿತವಾಗಿ ಮಾತನಾಡುತ್ತಾರೆ".

Sir, it casts a reflection. Even in the course of his reply, the Chief Minister was pleased to say that the

members should not be carried away by 'dveshasooye' or rancour. I can assur him that, so far as the Opposition is concerned, we are not carried away by 'dveshasooye' or rancour. We are solely guided by the interest of the State and that is our duty and the abiding duty. The remarks made by the Chief Minister that we are carried away by personal rancour is out of place. So far as his remarks at Mandya are concerned, it practically a.....

(The Chief Minister entered the Hall at this stage and went near his seat)

The Chief Minister at Mandya was pleased to state.....

(The Chief Minister took a file and was going out of the Hall)

(There was laughter in the House.)

(The Chief Minister who had gone a few steps towards the exit came back.)

Sri K. HANUMANTHAIYA (Chief Minister).—Sir, I meant no disrespect to the Hon'ble Members of the House. I have to watch the Budget discussion in the other House; so, I go away with your kind permission. (*Laughter.*)

(The Chief Minister left the Hall.)

Sri J. MOHAMED IMAM—.Well, Sir, I shall shout loudly so that he may hear me from the other House. (*Laughter.*) Sir, at Mandya he has said that he will hand over the Government to a party which can carry on the Government without taxation. The Mysore Government has not become a bankrupt in respect of its administrators. There are members who will accept that challenge. I will accept that challenge and measures will be taken to see that Government is carried on without any such oppressive taxes.

Sri T. MARIAPPA (Mysore city North).—You must say, 'without any taxes'.

Sri J. MOHAMED IMAM.—You leave it to us. Without any tax we will carry on for some time.

Sri K. PATTABHIRAMAN (Kolar).—You mean, without any further taxes.

(*Laughter.*)

Sri J. MOHAMED IMAM.—Yes, without any further taxes, fresh taxes. Sir, I need not say more on this Bill. I have pointed out that the Government's duty seems to be only one and that is to explore fresh means of taxation. People are disappointed. The Government's main anxiety seems to be how to tax. On these grounds, Sir, I oppose this Bill and I am sure all those who are of my view, irrespective of the party to which they belong, will join me in opposing this Bill.

ಶ್ರೀ ಡಿ. ದೇವರಾಜ್ ಅರಸ್ (ಹುಣಸೂರು).—ಸ್ಪೀಕರ್, ಈ ಬಿಲ್ಲನ್ನು ಸಮರ್ಥನೆ ಮಾಡುತ್ತೇನೆ. ಶ್ರೀಮಾನ್ ಇಮಾಂರವರು ಇಷ್ಟು ಹೊತ್ತು ತೆರಿಗೆ ಹೊಸಹೊಸದಾಗಿ ಹಾಕಕೂಡದು, ಹೊಸ ಹೊಸ ಪೆಷರ್ಸ್ ತಂದಿರುವುದು ಸರಿಯಲ್ಲ ಎಂದು ಹೇಳಿದರೂ ನಮ್ಮ ಮುಂದಿರುವ ಬಿಲ್ಲಿನಲ್ಲಿ ಸೂಚಿಸಿರುವಂತೆ ತೆರಿಗೆ ಕಡಮೆಯೆಂದು ಅವರೇ ಒಪ್ಪಿದ್ದಾರೆ. ಆಮೇಲೆ ಸರ್ಕಾರದವರು ಹೊಸದಾಗಿ ತೆರಿಗೆ ಹಾಕಲು ವಿಧಾನಗಳು ಕೆಲವನ್ನು ಕಂಡು ಹಿಡಿಯಬೇಕೆಂದು ಬಹಳ ಆಸೆಯುಳ್ಳವರಾಗಿದ್ದಾರೆಂದು ಅವರು ಹೇಳಿದರು. ಆದರೆ ಯಾವ ಸರ್ಕಾರ ತೆರಿಗೆ ಹಾಕಿಲ್ಲವೆಂದು ಅವರನ್ನು ಪ್ರಶ್ನಿಸಬೇಕಾಗಿದೆ. ಈಗಿನ ಪ್ರಜಾ ಪ್ರಭುತ್ವ ಬಂದ ಮೇಲೆ ಕೂಡ ಅವರಿನ್ನೂ 1947ನೆಯ ಇಸವಿಯ ಹಿಂದಿದ್ದ ಯುಗದಲ್ಲೇ ಇದ್ದಾರೆಂದು ಕಾಣುತ್ತದೆ. ಹಿಂದೆ ಯಾವ ರೀತಿಯಲ್ಲಿ ಸರ್ಕಾರ ನಡೆಸಿದರೂ ಕೂಡ ಜನರಿಗೆ ಸರ್ಕಾರವನ್ನು ಕೇಳುವ ಜವಾಬ್ದಾರಿಯಿರಲಿಲ್ಲ. ಪ್ರಜಾಪ್ರಭುತ್ವ ಬಂದ ಮೇಲೆ, ಪ್ರಜಾ ಸರ್ಕಾರ ಸ್ಥಾಪನೆಯಾದ ಮೇಲೆ ಜನರು ಸರ್ಕಾರದಿಂದ ಅನೇಕ ಕೆಲಸ ಕಾರ್ಯಗಳನ್ನು ನಿರೀಕ್ಷಣೆ ಮಾಡುತ್ತಾರೆ. ಆ ನಿರೀಕ್ಷಣಾ ಕಾರ್ಯಗಳು ಒಂದು ವಿಧದಲ್ಲ. ಸರ್ಕಾರದ ಜವಾಬ್ದಾರಿ ಎಲ್ಲಿಯವರೆಗೆ ಹೋಗಿದೆಯೆಂಬುದನ್ನು ಕೆಲವು ದಿವಸಗಳ ಹಿಂದೆ ಶ್ರೀಮಾನ್ ಗ್ಯಾಡ್‌ಗಿಲ್‌ರವರು ಒಬ್ಬ ಮನುಷ್ಯ ತಾಯಿ ಗರ್ಭದಿಂದ ಹೊರಗೆ ಬಂದ ಮೇಲೆ ಅವನು ಸಮಾಧಿಗೆ ಹೋಗುವವರೆಗೂ ಆ ವ್ಯಕ್ತಿಯ ಜವಾಬ್ದಾರಿ, ರಕ್ಷಣಾ ಭಾರ ಸರ್ಕಾರದ ಮೇಲಿರುತ್ತದೆ ಎಂದು ಅಭಿಪ್ರಾಯ ಪಟ್ಟಿದ್ದಾರೆ. ಇಂಗ್ಲೀಷಿನಲ್ಲಿ womb to tomb ಎಂದು ಹೇಳಿರುವುದರ ಅಭಿಪ್ರಾಯ ನಾನು ಈ ರೀತಿ ಹೇಳಿದೆ. ಹೀಗೆ ಸರ್ಕಾರದ ಜವಾಬ್ದಾರಿ, ಪ್ರತಿಯೊಬ್ಬ ಪ್ರಜೆಯನ್ನೂ ರಕ್ಷಣೆ ಮಾಡುವ ಜವಾಬ್ದಾರಿ ಬಹಳ ಗುರುತರವಾಗಿದೆ. ಇದನ್ನು ಜ್ಞಾಪಕದಲ್ಲಿಡಬೇಕು. ಯಾರು ತೆರಿಗೆ ಹೊರುವುದಕ್ಕೆ ಶಕ್ತರು, ಯಾರಿಗೆ ತೆರಿಗೆ ಹಾಕಬೇಕು, ಯಾವ ವರ್ಗದ ಜನರಿಗೆ ಹೊರುವುದಕ್ಕೆ ಸಾಧ್ಯವಿಲ್ಲ, ದೇಶದಲ್ಲಿ ಈಗ ಎಷ್ಟು ತೆರಿಗೆಯಿದೆ—ಇವೆಲ್ಲವನ್ನೂ ಸರ್ಕಾರ ಕೂಲಂಕಷವಾಗಿ ಯೋಚನೆ ಮಾಡಬೇಕಾದದ್ದು ನ್ಯಾಯವಾಗಿದೆ. ಆದರೆ ಯಾವ ತೆರಿಗೆಯನ್ನೂ ಹೊಸದಾಗಿ ಹಾಕಕೂಡದು, ಅದರಿಂದ ತೊಂದರೆಯಾಗುತ್ತದೆ ಎಂದು ಹೇಳಿದರು. ಅಂದರೆ ತೆರಿಗೆಯನ್ನು ಹೊರುವುದಕ್ಕೆ ಶಕ್ತಿಯಿರುವವರೂಕೊಡಕೂಡದು, ಶಕ್ತಿಯಿಲ್ಲದವರೂ ಕೊಡಕೂಡದು. ಸರ್ಕಾರ ಮಾತ್ರ ಎಲ್ಲಾ ಕೆಲಸಕಾರ್ಯಗಳನ್ನೂ ಜನರಿಗೆ ಬೇಕಾದ ಎಲ್ಲಾ ರೀತಿಯ ಸೌಕರ್ಯಗಳನ್ನೂ ಒದಗಿಸಬೇಕು ಎಂದು ಹೇಳಿದರೆ ಅದು ಯಾವ ರೀತಿ ಸಾಧ್ಯವೆಂಬುದನ್ನು ಮಾತ್ರ ನಮ್ಮ ಎದುರು ಪಕ್ಷದ ನಾಯಕರು ಹೇಳಲಿಲ್ಲ. ಹಿಂದೆ ವೆಲ್‌ಫೇರ್ ಸ್ಟೇಟ್ ಎಂಬ ಪದ ಉಪಯೋಗ ಮಾಡಿದ್ದಾರೆ.

(ಶ್ರೀ ಡಿ. ದೇವರಾಜ್ ಅರಸ್.)

ವೆಲ್‌ಫೇರ್ ಸ್ಟೇಟ್ ಎಂಬ ಪದಗಳನ್ನು ನನಗೆ ಜ್ಞಾಪಕ ವಿರುವ ಹಾಗೆ ಶ್ರೀಮಾನ್ ಪಟ್ಟಾಭಿರಾಮನ್‌ರವರು ಪ್ರಾತನಾಡುವಾಗ ಹೇಳಿದರು. ಇದು ಬ್ಯೂರಾಕ್ರಾಟಿಕ್ ನೀತಿಯಿಂದ ಉದ್ಭವವಾಗಿರುವ ಪದ ಮತ್ತು ಈ conception ಸರಿಯಲ್ಲವೋ ಏನೋ ಎಂದು ಹೇಳಿದರು. ಆದರೆ ಇದನ್ನು ಹೇಳುವಾಗ ಸೆಂಟ್ರಲೈಜೇಷನ್ ಮತ್ತು ಡೀ ಸೆಂಟ್ರಲೈಜೇಷನ್ ಈ ಎರಡನ್ನೂ ಲಗತ್ತಿಸಿ ಮಾತನಾಡಿದರು. ಆದರೆ ಸೆಂಟ್ರಲೈಜೇಷನ್ ಮತ್ತು ವೆಲ್‌ಫೇರ್ ಸ್ಟೇಟ್ ಎಂಬುದಕ್ಕೆ ಯಾವ ಸಂಬಂಧವಿದೆಯೋ ಗೊತ್ತಾಗಲಿಲ್ಲ. ಡೀ ಸೆಂಟ್ರಲೈಜೇಷನ್ ಆಗಬೇಕೆಂಬುದನ್ನು ನಾನು ಒಪ್ಪುತ್ತೇನೆ. ಆದರೆ ಸ್ವಪರಿಪೂರ್ಣವಾದ ರಾಜ್ಯ ಅಥವಾ ವೇಲ್‌ಫೇರ್ ಸ್ಟೇಟ್ ಎಂದೇನು ಹೇಳುತ್ತೀರೋ ಆ ಕಲ್ಪನೆಪ್ಷನ್ ಬ್ಯೂರಾಕ್ರಾಟಿಕ್ ಅಲ್ಲವೆಂದು ಸ್ಪಷ್ಟವಾಗಿ ಹೇಳಬೇಕಾಗಿದೆ. ನಮ್ಮ ರಾಜ್ಯಾಂಗದಲ್ಲೂ ಕೂಡ ವೆಲ್‌ಫೇರ್ ಸ್ಟೇಟಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಹಾಗೆ ಸರ್ಕಾರ ಹೊರಬೇಕಾದ ಜವಾಬ್ದಾರಿ ಏನಿದೆಯೆಂಬುದನ್ನೆಲ್ಲಾ ಡೈರೆಕ್ಟಿವ್ ಪ್ರಿನ್ಸಿಪಲ್ಸ್‌ನಲ್ಲಿ ನಮೂದಿಸಿದ್ದಾರೆ. ಆ ಜವಾಬ್ದಾರಿಯನ್ನು ಸರ್ಕಾರ ಹೊರುವುದಾಗಿ ವಾಗ್ದಾನ ಮಾಡಿರುವುದರಿಂದ ಅದರಂತೆ ನಾನು ಮಾಡಬೇಕಾದ ಕೆಲಸ ಕಾರ್ಯಗಳನ್ನು ಮಾಡಿಯೇ ತೀರಬೇಕು. ಹೊಸದಾಗಿ ತೆರಿಗೆ ಹಾಕುವುದಕ್ಕೆ ಸಾಧ್ಯವಿಲ್ಲ ಅಥವಾ ಸರ್ಕಾರ ಹಾಕಬಾರದು ಎಂದು ಹೇಳುವುದು ಜನ ಸಾಮಾನ್ಯರಲ್ಲಿ ಸ್ವಾಭಾವಿಕ. ಜನರು ತೆರಿಗೆಯನ್ನು ಯಾವ ಕಾಲದಲ್ಲೂ ಅಪೇಕ್ಷೆ ಮಾಡುವುದಿಲ್ಲ. ಆದರೆ ಜನರಿಗೆ ತೆರಿಗೆ ಹೊರುವುದಕ್ಕೆ ಸಾಧ್ಯವಿಲ್ಲವೆಂದು ಹೇಳುವಾಗ ತೆರಿಗೆಗಳನ್ನು ಯಾವ ರೀತಿ ಕೊಡಬೇಕು ಅಥವಾ ಹೊರಬೇಕು ಎಂಬುದನ್ನು ವಿವರಿಸಿ ಜನರ ಮನಸ್ಸನ್ನು ಪರಿವರ್ತನೆ ಮಾಡುವ ಜವಾಬ್ದಾರಿ ಕೂಡ ಸರ್ಕಾರದ ಮೇಲಿದೆ. We have to prepare the mind of the people to pay tax to Government in the interest of working out the Welfare State. ತಮಗೆ ಗೊತ್ತಿರುವ ಹಾಗೆ ದೇಶದಲ್ಲಿ ಹೆಚ್ಚು ಹೆಚ್ಚಾಗಿ ಸತ್ಕಾರ್ಯಗಳಾಗಬೇಕು, ಹೆಚ್ಚು ಹೆಚ್ಚಾಗಿ ಅಭಿವೃದ್ಧಿ ಕಾರ್ಯಗಳಾಗಬೇಕು ಎಂದು ಎಲ್ಲರೂ ಕೂಡ ಕೇಳುತ್ತಿದ್ದಾರೆ. ಆದರೆ ತೆರಿಗೆಯನ್ನು ಹೆಚ್ಚಿಸುವುದರಿಂದ ತೊಂದರೆಯಾಗುತ್ತದೆ, ಬೇಡ ಎಂದು ಹೇಳುವವರಾರೂ ತಮಗೆ ಸತ್ಕಾರ್ಯ ಬೇಡವೆಂದು ಹೇಳುತ್ತಿಲ್ಲ. ದೇಶದಲ್ಲಿ ಕೆಲವು ತೆರಿಗೆಗಳನ್ನು ಕೊಡುವುದಕ್ಕೆ ತೊಂದರೆಯುದೆಯೆಂದು ಹೇಳತಕ್ಕಂಥ ಪಾದವಿದೆ. ಆ ರೀತಿಯಾಗಿ ಜನರಲ್ಲಿ ಒಂದು ಅಭಿಪ್ರಾಯವಿದೆ. ನಮ್ಮ ಎದುರು ಪಕ್ಷದ ನಾಯಕರು ಹೇಳುವ ಹಾಗೆ, ಯಾವ ವಿಧವಾದ ತೆರಿಗೆಯನ್ನೂ ಕೊಡುವುದಿಲ್ಲವೆಂದು ನನಗೆ ತಿಳಿದ ಹಾಗೆ ಯಾರೂ ಹೇಳುತ್ತಿಲ್ಲ. ನಾವು ಅಭಿವೃದ್ಧಿ ಕಾರ್ಯ ಹೆಚ್ಚಾಗಿ ಮಾಡಬೇಕಾದರೆ ಆ ರೀತಿ ಮಾಡುವ ಜವಾಬ್ದಾರಿ ಸರ್ಕಾರದ ಮೇಲಿರುವುದರಿಂದ ತೆರಿಗೆ ಹಾಕಲೇಬೇಕು. ಯಾವ ವಿಧದಲ್ಲಿ ತೆರಿಗೆ ಹಾಕಿದರೆ ತೊಂದರೆಯಿಲ್ಲ, ಜನರು ಕೊಡಬಹುದು ಎಂಬುದನ್ನು ಸರ್ಕಾರ ವಿಚಾರ ಮಾಡಿ ಹಾಕಬೇಕು. ಈಗ ನಮ್ಮ ಮುಂದಿರುವ ತೆರಿಗೆ ಮಸೂದೆಯಾದರೂ ಜನರಿಗೆ ಹೆಚ್ಚು ತೆರಿಗೆ ವಿಧಿಸಿ ತೊಂದರೆ ಮಾಡತಕ್ಕದ್ದಲ್ಲ. ಆದ ಕಾರಣ ಈ ಮಸೂದೆಯನ್ನು ನಾವು ಒಪ್ಪಬಹುದು ಎಂದು ಹೇಳಿ ನಾನು ಇದನ್ನು ಸಮರ್ಥನೆ ಮಾಡುತ್ತೇನೆ.

Sri H. SIDDAVEERAPPA.—Sir,.....

(Sri M. V. Rama Rao rose.)

Mr. SPEAKER.—You want to speak?

Sri M. V. RAMA RAO (Tumkur).—I want some information from the Hon'ble Minister. It is not contained in the Statement of Objects and Reasons.

In moving this Bill for the consideration and acceptance of the House, reference was made to the Statement of Objects and Reasons wherein it is said:

> "In order to bring about uniformity in the rate of court fees leviable in the State and the rates prevailing in Bellary District under the Madras Act, it is considered necessary to amend the State Act. Hence this Bill."

The House will remember that when the Andhra State Bill was debated in this House, several amendments were moved and were accepted by the Government. One important amendment which was accepted, related to the application of laws to Bellary District. The amendment that was accepted by the House then was that the existing Mysore laws be made applicable to Bellary District. When the Bill went before Parliament together with the amendments carried in this House and in the other House, somehow none of the amendments that were carried in either House of the Legislature here in Mysore State was moved in Parliament and so the original provision contained in the Andhra State Bill with regard to the applicability of laws was enacted into law. Here, during the debate when the amendment was moved, Government had expressed their willingness and expressed their anxiety to see that the Mysore laws are applied to Bellary as expeditiously as it was possible for them to arrange for it. With that view adaptations were made in the Madras enactments; and the Mysore enactments where they could be applied to Bellary by making a notification in the Gazette have also been made applicable. Here, in the Statement of Objects and Reasons, it is said that consequent upon the addition of Bellary to Mysore State it is necessary to

increase the court fees that are payable in Mysore State so as to bring them on a level with the rates prevailing in the Bellary District, which are the rates prescribed by the Madras Court Fees Act. This, if I may borrow the phrase from a venerable statesman who happens to be the Chief Minister of a neighbouring State, the Hon'ble Sri C. Rajagopalachari, is the tail wagging the dog. It is the Mysore Court Fees Act that should have been extended for application to the Bellary District. And although this is a revenue measure, I am sure the Government must have more acceptable reasons for bringing forward this legislation. As it happens, no other reason has been given, except that this is to cover the deficit in the Budget for the ensuing year and that it is one of the measures for enabling the Government to obtain a little extra revenue. I am not coming in the way of the Government providing for the collection of extra revenue to make up the deficit in the Budget. But what I say is, this is not the argument on which, in a taxation measure, it can be said that the rates prevailing in Bellary District are higher and therefore the Mysore people must pay hereafter a higher court fee. That does not, to my mind, sound a reasonable way of putting up the case. I should like to hear what the Government would like to say upon this point.

The other point is: it is sought to be made out that thei ncidence of this taxation will not fall upon any section of the people and hit them hard. Everybody who is familiar with courts and litigation and the application of the Court Fees Act would be aware that it is ultimately the defendant in a case who would have to pay the extra court fees. If we now enhance the court fees that are payable in proceedings that go before a court, although the initial expenditure is incurred by the plaintiff who goes to the court in the first instance, this additional expense either by way of increased stamp fee levy or anv other increased rate prescribed would be passed on in the usual course to the defendant. I am sure that the Government will not argue that the defendant in a legal proceeding is a man who is quite prosperous and is able to bear this burden of additional taxation. I am sure that it is not their argument. So Government must have some convincing argument; only it happens that they have not addressed themselves to this aspect as yet. Therefore I would like the Hon'ble Minister who is in charge of the Bill or whoever has moved it, to tell us, firstly, what is the case for bringing the Court Fees Act in Mysore into conformity with the law prevailing in Bellary which is a recent accession of a part of territory to Mysore State; secondly, whether Government consider that the increased court fees rates will not hit the defendants hard and whether they consider that the poorer sections of the people will not have to pay the increased court fees; and thirdly, whether Government are in a position to state what is the amount of additional court fees revenue that the Government would be able to make by inceasing these rates as now proposed in this Bill? It is common knowledge that in Mysore State the administration of justice has been carried on on the exising rates of court fees payable by litigants and Government have been able to obtain a surplus by way of revenue even at the existing rates. Would it be proper for a Welfare State to levy higher court fees and make a larger revenue and save a large proportion over and above the expenditure incurred on the administration of Justice? This I consider is an important point and I should be obliged to the Hon'ble Minister if he would kindly make a reply on these points.

Sri Mulka GOVINDA REDDY (Chitaldrug).—I expected that the member who was in charge of the Bill would make, while moving this amending Bill, a statement regarding the revenue that is going to be realised and where and when court fee is going to be enhanced. Instead of that, it is stated in the Bill, that for article 1, the following articles shall be substituted, namely, so and so. Here many items have been doubled and trebled. I would like to read out such of those items on which court fees are intended to be enhanced.

(SRI MULKA GOVINDA REDDY.)

"...or when presented to any officer of Land Revenue by any person holding temporarily settled land under direct engagement with Government and when the subject matter of the application or petition relates exclusively to such engagement."

The proper fee formerly was one anna and now it is intended to be increased to two annas.

"or when presented to any Civil Court other than a principal Civil Court of original jurisdiction, or to any Court of Small Causes, or to a Deputy Commissioner or other officer of revenue in relation to any suit or case in which the amount or value of the subject-matter is less than fifty rupees;"

Originally the fee was one anna and now it is increased to two annas in the Bill.

"When containing a complaint or charge of any offence other than an offence for which Police Officers may, under the Criminal Procedure Code, arrest without warrant and presented to any Criminal Court."

Here the increase is from 12 annas to one rupee. The most important is in (d) (i)—

"When presented to the High Court for the issue of a writ under Article 226 of the Constitution of India other than a writ of Habeas Corpus."

It was formerly Rs. 2 and now it is proposed to increase it to Rs. 20.

MR. SPEAKER.—They are now paying Rs. 20 for the last three or four months.

SRI MULKA GOVINDA REDDY.—According to Act III of 1900 it is so.

"(3) In Article 6, for the words 'Eight annas' and 'Two rupees', the words 'One rupee' and 'Three rupees' shall respectively be substituted."

Again,

"(4) In Article 7, for the words 'Twelve annas', the words 'One rupee' shall be substituted."

What the Government intend to do by levying this enhanced court fees is going to work hard on the litigant public and also the poor people who cannot afford to pay so much of high rate of taxation. In respect of some raiyats this enhanced rate is going to work as a great hardship on them. So also regarding vakalatnama or muktayarnama. Now for any vakalatnama 8 annas is the court fee fixed. If this is presented to a Deputy Commissioner or any officer less than the status of the Government or the High Court, he has to pay the fee of Rs. 3, which means that it is going to work as a great hardship on the poor litigant public. Such a measure cannot be accepted. I vehemently oppose the imposition of this enhanced tax.

SRI A. G. RAMACHANDRA RAO (Minister for Law and Education).—Sir, I beg to submit a few remarks on the observations made by the Hon'ble Member Sri M. V. Rama Rao. He has found fault with not mentioning this factor at the time of the enactment. I do not think at that time the only thing.....

SRI M. V. RAMA RAO.—Sir, the Hon'ble Minister does not seem to have understood my remarks correctly.

SRI A. G. RAMACHANDRA RAO.—I cannot understand at the dictation of others, Sir.

MR. SPEAKER.—He is answering. Just wait.

SRI A. G. RAMACHANDRA RAO.—One thing that was emphasised at the time was that as early as possible there should be uniformity of legislation both in Bellary as well as in Mysore. Now we have experience of what it is in Bellary. Recently, as an Hon'ble member and others also know, we presented a supplementary budget which showed a specific and a very large deficit in respect of Bellary to the extent of 48 lakhs. That was kept in view. And again when we came to this year of budgeting for the entire State of Mysore including Bellary, we

found that the deficit came to 3½ crores. Therefore, when the question came up for consideration, whether Mysore law should be applied to Bellary or in order to make up the deficit in both Bellary as well as in Mysore which would be better, the Government decided that both in the interest of uniformity as well as in not losing further, the law available in Bellary should be more advantageously used and hence this piece of legislation.

One or two minor points were made out. He said that in litigation generally it is the defendant that suffers. It may be the defendant or it may be the plaintiff. The man who has an indefensible case, who has put up very many defence, if he will lose, he cannot help it and if he does not put up he will have to bear the loss. With these few remarks I wish that the Hon'ble Member will feel convinced that everything has been done in the best interest of the State and in a most competent way.

[MR. DEPUTY SPEAKER in the Chair.]

2-30 P.M.

SRI H. SIDDAVEERAPPA.—Sir, I would like to reply to one or two points raised by the Hon'ble Member Sri Mulka Govinda Reddy. His point of view was that that the stamp duty has been raised the financial implication of which has not been referred to by me. Sir, so far as the financial implication is concerned, both by the Court Fees (Amendment) Bill and the Stamp (Amendment) Bill it is estimated that there may be an additional income of about 30 lakhs. So far as the Court Fee itself is concerned, I think it is about Rs. 50,000. It has to be conceded that the increase is not in any way unduly oppressive when compared with the rates prevailing elsewhere.

MR. DEPUTY SPEAKER.—The question is:

"That the Mysore Court Fees (Amendment) Bill, 1954, be taken into consideration."

The motion was adopted.

L.A.

MR. DEPUTY SPEAKER.—Clause 2. The question is:

"That Clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

MR. DEPUTY SPEAKER.—Clause 1. The question is:

"That clause 1 stand part of the Bill."

The motion was adopted.

Clause 1 was added to the Bill.

MR. DEPUTY SPEAKER—Title and Preamble. The question is:

"That the Title and the Preamble stand part of the Bill."

The motion was adopted.

The Title and the Preamble were added to the Bill.

Motion to pass.

SRI H. SIDDAVEERAPPA.—Sir, I beg to move:

"That the Mysore Court Fees (Amendment) Bill, 1954, be passed."

MR. DEPUTY SPEAKER.—The question is:

"That the Mysore Court Fees (Amendment) Bill, 1954, be passed."

The motion was adopted.

MR. DEPUTY SPEAKER.—Next Bill, the Mysore Stamp (Amendment) Bill.

THE MYSORE STAMP (AMENDMENT) BILL, 1954.

Motion to consider.

SRI H. SIDDAVEERAPPA (Minister for Home and Industries).—Sir, I beg to move:

"That the Mysore Stamp (Amendment) Bill, 1954, be taken into consideration."

Sir, it is common knowledge that the rates of stamp duty in Mysore are